## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

LONNIE OLIVER, JR., PRO SE,	§	
BOP NO. 06099-078,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:04-CV-0280
	§	
JOEL RICHARDSON,	§	
Randall County Sheriff,	§	
	§	
Defendant.	§.	

## MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff LONNIE OLIVER, JR., proceeding *pro se* and while a prisoner in the custody of the Oakdale Federal Correctional Institution, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendant and requesting permission to proceed in forma pauperis.

On April 15, 2005, the Court issued an Order and Notice of Deficiency giving plaintiff thirty days in which to cure specified deficiencies by paying the filing fee or submitting an Application to Proceed In Forma Pauperis and an I.F.P. Data Sheet, as well as submitting copies of any relevant grievances. The Order and Notice of Deficiency was returned to the Court undelivered and bearing the notation "Refused - Return to Sender." The Court issued a May 13, 2005 show cause order giving plaintiff twenty days to respond and show cause why the instant case should not be dismissed. On May 20, 2005, the show cause order was returned undelivered and bearing the notation "'RTS, Refused."

The response periods for the Order and Notice of Deficiency and for the Show

Cause Order have expired and plaintiff has failed to cure the deficiencies or submit any

Case 2:04-cv-00280-J-BB Document 6 Filed 06/03/05 Page 2 of 2 PageID 15

responsive pleading or correspondence. It appears plaintiff has abandoned his suit and his

claims for relief.

It is the conclusion of the United States District Judge that plaintiff has

abandoned this cause and such cause should be dismissed for failure to prosecute. Link v.

Wabash Railroad Co., 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses

inherent power to dismiss sua sponte for lack of prosecution).

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby

withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR

FAILURE TO PROSECUTE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of

record by first class mail.

IT IS SO ORDERED.

ENTERED this 3rd day of June, 2005.

/s/ Mary Lou Robinson

MARY LOU ROBINSON

UNITED STATES DISTRICT JUDGE

2